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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,403	06/06/2001	Srinivas V.R. Gutta	US010127	7747
24737	7590	02/22/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			LAYE, JADE O	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,403

Applicant(s)

GUTTA ET AL.

Examiner

Jade O. Laye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/05 has been entered.

Response to Amendment

II. Due to Applicant's amended Claims 21 and 22, the objection applied in the previous action is hereby withdrawn.

Response to Arguments

III. Applicant's arguments filed 12/29/05 have been fully considered but they are unpersuasive.

Applicant argues *Hendricks* fails to anticipate the present asserted invention because it merely discloses a system utilizing a keyword matching program. (Applicant's Response, Pg. 12). The Examiner disagrees because, even though this may be a correct reading of *Hendricks*, such a system would still read upon Applicant's broadly written claim language. The basis for this position can be found in the subsequent rejection below.

Applicant also argues there was no motivation to combine *Hendricks* with Applicant's own admitted prior art. (Applicant's Response, Pg. 14). However, the Examiner again disagrees.

At the least, Applicant's own specification provides the necessary motivation to combine. At Page 6, Lines 1-13 and 18-21, Applicant discusses "many prior art programs (i.e., decision tree/Bayesian classifiers) for providing a recommendation based upon ... well-established theor[ies] of concept learning...". From this, it is clear to see those of ordinary skill in this art have recognized the advantage to using decision tree/Bayesian classifiers. Accordingly, one of ordinary skill in this art at the time of Applicant's invention would combine *Hendricks* with Applicant's admitted prior art in order to provide a program recommender utilizing well-established theories of concept learning.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

IV. Claims 1-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by *Hendricks et al.* (US Pat. No. 5,798,785).

As to claim 1, *Hendricks* discloses a system, which recommends content to viewers. The system receives a "program abstract" (i.e., received record), which describes the program, from a program abstract database. In turn, the system is able to identify a category (i.e., genre, theme, etc.) from the program abstract that corresponds to the program, and generates a

recommendation list based upon the program's correlation to the specified category. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). This recommendation can be generated in any number of ways, including a "learning" method (i.e., training method). (Col. 35, Ln. 9-Col. 36, Ln. 16). Moreover, in order for the system to suggest programming based on categories, the system must have some module which correlates said programs to said categories. Accordingly, *Hendricks et al* anticipate each and every limitation of claim 1.

Claim 8 corresponds to the method claim 1. Therefore, it is analyzed and rejected as previously discussed.

(NOTE: It is inherent Hendricks contains any number of "classifier modules" because the system can be used to retrieve programs based upon various categories. In essence, each category can be read to correspond to a separate module. For example, comedy category corresponds to the comedy module, sit-com category corresponds to the sit-com module, etc.)

As to claim 2, *Hendricks* further discloses a user can enter any number of criteria used to retrieve content. As discussed under claim 1, the system receives a program abstract and identifies a category corresponding to the program. Thereafter, the system generates a list of suggested programs based upon the degree of correlation between said program and user criteria (i.e., a first recommendation for first program, second recommendation for second program, etc.). (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, *Hendricks et al* anticipate each and every limitation of claim 2.

Claim 9 corresponds to the method claim 2. Therefore, it is analyzed and rejected as previously discussed.

Claims 14, 17, and 20 correspond to the method claim 9. Therefore, each is analyzed and rejected as previously discussed.

As to claim 3, *Hendricks* again discloses the system is capable of extracting a program abstract from incoming programs (i.e., a first record corresponding to a first program, a second record corresponding to a second program, etc.). Once this program abstract is received, the system then determines the category of the program based upon the program's abstract. Then, the system can generate any number of recommendations – each depending on criteria entered by the user (i.e., first classifier module could be drama, second classifier module could be sports, etc.). (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, *Hendricks et al* anticipate each and every limitation of claim 3.

Claim 10 corresponds to the method claim 3. Therefore, it is analyzed and rejected as previously discussed.

As to claim 4, *Hendricks* teaches (as discussed above) the system receives a program abstract (i.e., record) from the incoming program and generates a recommendation of the program according to a correlation between the program and a user's criteria. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). The user can enter any number of criteria (genre, theme, etc.) which are, in essence, classifier modules. The remainder of Applicant's amended limitations are encompassed under the rejection of Claim 1. Accordingly, *Hendricks et al* anticipate each and every limitation of claim 4.

As to claim 5, *Hendricks* teaches the user can enter any number of user criteria. Therefore, if the user enters a second criteria, the system will recommend those programs whose abstracts correlate to the define user criteria. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32,

Ln. 20-33). Moreover, it is clear from the citations under Claim 1, the user “specifically select” one of the programs from the ranked listing. Accordingly, *Hendricks et al* anticipate each and every limitation of claim 5.

Claim 11 corresponds to the method claim 5. Therefore, it is analyzed and rejected as previously discussed.

As to claim 6, *Hendricks* further teaches the system is capable of concurrently generating recommendations based upon the correlation of the program to different categories when the program record fails to indicate an allocation of the program to one specific category. (Col. 36, Ln. 1-16 & Ln. 45-51). The remainder of Applicant’s amended limitations are encompassed under the rejections of Claims 1 and 5. Accordingly, *Hendricks et al* anticipate each and every limitation of claim 6.

Claims 13, 16, and 19 correspond to the method claim 6. But, each fails to recite the “concurrently” limitation of claim 6. However, the same rejected as applied under claim 6 can be applied. Therefore, each is analyzed and rejected as previously discussed.

As to claim 7, *Hendricks* further teaches the recommended programs can be ranked based upon their correlation values. (Col. 32, Ln. 54-67 thru Col. 33, Ln. 1-13). Accordingly, *Hendricks et al* anticipate each and every limitation of claim 7.

As to claim 12, *Hendricks* teaches (as discussed above) the system is capable of identifying any number of programming categories which correspond to the program (which can be a first, second, third, etc. program). The system then calculates a recommendation based upon the correlation between the program and the categories. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39

& Col. 32, Ln. 20-33). Accordingly, *Hendricks et al* anticipate each and every limitation of claim 12.

Claims 15 and 18 each combine the limitations recited in claims 1 and 2. Accordingly, each is analyzed and rejected as previously discussed.

As to Claim 22, the recited limitations are inherently disclosed. Since the system is capable of ranking the recommendations, it is inherent the system choose (i.e., select) which recommendations to be listed. Accordingly, *Hendricks et al* anticipate each and every limitation of Claim 22.

Claims 23 and 24 are encompassed within the rejection of Claim 5. Thus, each is analyzed and rejected as discussed therein.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

V. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Hendricks* in view of Applicant's Admitted Prior Art ("AAPA").

Claim 21 recites the product of Claim 15, wherein one of the first and second classifier modules is a concept learning based classifier and the other of the modules is a classifier for providing a probabilistic calculation. As discussed above, *Hendricks et al* anticipate each and every limitation of Claim 15, but fail to specifically recite the limitations of Claim 21. However,

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within the same field of endeavor, AAPA discloses the exact limitations and admits them as prior art. (Spec. Pg. 6, Ln. 1-13 & 18-21). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to combine the teachings of *Hendricks* and AAPA to provide a system which incorporates well-known learning techniques.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

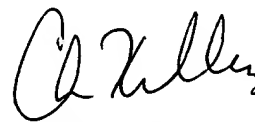
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye

Initials: 

February 18, 2006.



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600